

REMARKS

Claims 11-14 and 16-21 are currently pending in the application; Claims 11, 17 and 18 are independent. The Examiner has rejected Claims 11, 13, 14 and 16-21 under 35 U.S.C. §103(a) as allegedly unpatentable over U.S. Patent Application Publication No. 2004/0096804 to Vogt et al., (hereinafter “Vogt”) in view of U.S. Patent Application Publication No. 2004/0101808 to Porter et al., (hereinafter “Porter”). The Examiner has rejected Claim 12 under 35 U.S.C. §103(a) as allegedly unpatentable over Vogt and Porter, in view of U.S. Patent No. 5,078,605 to Sutter et al., (hereinafter “Sutter”).

Applicants have amended Claims 11, 17 and 18 in this Response. Support for the amendments is found, for example, at Page 4, Line 14 to Page 5, Line 12 and Figs. 1 and 2A of the specification. No new matter has been introduced.

This Response is made to facilitate early allowance of the presently claimed subject matter. Applicants do not acquiesce in the correctness of the rejections and reserve the right to present specific arguments regarding any rejected claims not specifically addressed. Furthermore, Applicants reserve the right to pursue the full scope of the subject matter of the original claims in a subsequent patent application that claims priority to the instant application. Reconsideration in view of the following remarks is respectfully requested.

The Examiner has rejected Claims 11, 13, 14 and 16-21 under 35 U.S.C. §103(a) as allegedly unpatentable over Vogt in view of Porter. Applicants respectfully submit that the teachings of Vogt and Porter, taken alone or in combination, fail to teach or suggest the invention defined by the instant claims.

Independent Claim 11 recites a combination of a transfer part for holding a dental implant and a dental implant. The transfer part includes, *inter alia*, a free extension at one end of

the transfer part for coupling a rotational tool and a first radial groove adjacent to the free extension for receiving a securing element, a clamping portion at the other end of the transfer part for the clamping connection of the transfer part to the dental implant, and a force transmission element for securing the clamping connection against rotation. The clamping portion includes a second radial groove, into which a clamp ring is insertable to engage with the dental implant. The dental implant includes an undercut positioned correspondingly to the second radial groove of the clamping portion of the transfer part and dimensioned suitably to provide together with the second radial groove a receiving means for clampingly receiving the clamp ring.

Independent Claims 17 and 18 recite at least the above features.

Vogt discloses a combination of a dental implant, an adapter and a transfer cap, with the adapter assembled with both the dental implant and the transfer cap. Specifically, as illustrated in Figs. 3A-3C thereof, the adapter 3 has a driving section 30 for fitting into the dental implant, a holding section 31 for engaging with the transfer tap, and a plug-type extension 33 for fitting into a coupling piece used in connection with a screwing-in instrument. Specifically, the extension 33 comprises an annular groove 331 for receiving a retaining ring 332 and a non-rotationally symmetrical outer contour 330 for form-fit attachment of the coupling piece (see, Paragraph [0088], Lines 18-23 of Vogt).

Thus, the extension 33 does not couple or connect with the dental implant, and, accordingly, the retaining ring 332 thereof does not engage with the dental implant.

In the Office Action, the Examiner has alleged that Vogt discloses, “a radial groove (331) that is capable to directly engage with the dental implant” (see, Page 2, Paragraph 4 of the Action).

It has been established that the radial groove and relevant clamping portion (33) of Vogt are used to engage a rotational tool, instead of a dental implant. Even though the Examiner argued that the radial groove (331) is capable to directly engage with the dental implant, Vogt by no means teach or suggest two grooves for engaging the dental implant and the rotational tool, respectively.

Thus, Vogt fails to disclose the second groove and the clamping portion having the second groove.

The Examiner has acknowledged Vogt also fails to disclose an undercut as claimed (see, Page 3, Lines 10-12 of the Action). The Examiner relied on Porter for the alleged teaching of the undercut.

In this regard, Applicants would like to clarify that Claim 11, 17 and 18 have been amended to stress the structurally complementary characteristics of the radial groove in the transfer part and the undercut in the dental implant. Specifically, the claims recite an undercut in the dental implant positioned correspondingly to the radial groove of the clamping portion of the transfer part and dimensioned suitably to provide together with the second radial groove a receiving means for clampingly receiving the clamp ring. In this manner, it is clearly recited that a receiving means is formed between the dental implant and the transfer part.

Porter only discloses a toroidal spring (116) disposed between the recess (110) in the dental implant (10') and the recess (112) in the abutment (90'), for providing a feedback mechanism indicating the proper positioning of the abutment into the dental implant (10'). The abutment of Porter is distinguished from a transfer part for holding a dental implant, as defined in the present application and also as well known in the art. The abutment is a structure normally fixed on top of the implant screwed in human tissue (like a jaw bone), for supporting a crown

normally made of porcelain; while the transfer part is used for temporarily holding a dental implant and keeping the same in a vial of liquid for a long time reservation. In industry practice, the transfer part is detached from the dental implant for the purpose of planting the dental implant into human tissue. Thus, the abutment (90') of Porter is by no means a structural equivalent to the transfer part of the claimed invention.

In addition, Vogt discloses a radial groove for engaging a rotational tool at the outside of the dental implant, and Porter discloses an undercut formed in the abutment inserted within the dental implant. Thus, it is not proper to combine the radial groove outside of the dental implant with the undercut within the dental implant.

Therefore, neither Vogt nor Porter, taken alone or in combination, teach or fairly suggest the combination of features recited in independent Claim 11, 17 and 18, from which the other claims ultimately depend. Accordingly, the rejection of claims 11, 13, 14 and 16-21 under 35 U.S.C. §103(a) based on Vogt and Porter is overcome, and withdrawal thereof is respectfully requested.

The Examiner has rejected Claim 12 under 35 U.S.C. §103(a) as allegedly unpatentable over Vogt and Porter, in view of Sutter. The rejection is respectfully traversed for at least the reasons set forth below.

Claim 11, from which Claim 12 depends, is discussed above.

Vogt and Porter are discussed above relative to Claim 11. Sutter is applied to allegedly teach the materials, such as PEEK, for making a clamping ring. Sutter does not remedy the underlying deficiencies of Vogt and Porter with regard to Claim 11. Thus, taken alone or in any combination, none of Vogt, Porter and Sutter teach or suggest the combination of features recited

in Claim 12. Accordingly, the rejection of Claim 12 under 35 U.S.C. § 103(a) based on the combination of Vogt and Sutter is overcome, and withdrawal thereof is respectfully requested.

In view of the foregoing amendments and remarks, it is firmly believed that the subject application is in condition for allowance, which action is earnestly solicited.

Respectfully submitted,



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